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10/783,022	02/23/2004	Keiko Shiraishi	95705	3756

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EXAMINER

PAYER, HWEI SIU CHOU

ART UNIT PAPER NUMBER

3724

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,022

Applicant(s)

SHIRAISHI ET AL.

Examiner

Hwei-Siu C. Payer

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Detailed Action

The amendment and terminal disclaimer filed on 1-27-2006 have been entered and approved, respectively.

Election by Original Presentation

Newly submitted claim 15 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- I. Claims 1-14, drawn to a device for removing a covering layer of an optical fiber, classified in class 30, subclass 90.6.
- II. Claim 15, drawn to a method for removing a covering layer of an optical fiber, classified in class 83, subclass 13.

The inventions are independent or distinct, each from the other because:

Inventions I and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. See MPEP § 806.05(h). In the instant case, the product as claimed can be used for pulling weeds.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 15 has been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Objection to the Specification

The disclosure is objected to because of the following informalities:

On page 1 of the specification, the continuation data should be amended to include the patent number for application serial number 10/110,713.

Appropriate correction is required.

Claims objection

Claims 11-14 are objected to because of the following informalities:

(1) In claim 11 (at line 5), "said cutting blade" should read --said cutting blades--.

(2) In claims 13 and 14, "the receiver" should read --the receiver body--.

Appropriate correction is required.

Claims Rejection - 35 U.S.C. 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siden (U.S. Patent No. 4,059,892).

Siden shows (Fig.4) a covering layer removing device comprising a receiver body (36), a movable cutting blade (34) and a guide means (15,16), wherein the cutting blade (34) is formed of elastic plastic and has an edge surface (i.e. the edge surface that is received in the block 32) substantially perpendicular to side surfaces of the cutting blade (34) substantially as claimed except it is silent about the thickness and the bending elasticity of the cutting blade.

Siden also shows (Figs. 1 and 2) a covering layer removing device comprising a pair of cutting blades (24,26) formed of elastic plastics and each has an edge surface (i.e. the edge surface that is received in the block 20/22) substantially perpendicular to side surfaces of the cutting blades (24/26), and a guiding means (15,16) substantially as claimed except it is silent about the bending elasticity of and the thickness of the cutting blades.

Since Siden's plastic cutting blade is made of the same material (polycarbonate, polystyrene, acrylonitrile-butadiene-styrene) as Applicant disclosed (on page 5 of the specification), and further Siden's cutting blades (34,24,26) do have a thickness and a bending elasticity. To select a certain thickness range and a bend elasticity range for Siden's cutting blades such as in the range of 0.06 – 1 mm and in the range of 900 – 20,000 MPa, respectively, would have been obvious to one having ordinary skill in the art, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233 (CCPA 1955).

3. Claims 1, 2, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable Japanese Patent No. 2 142803.

Japanese '803 shows a device for removing a covering layer of an optical fiber comprising a receiver body (in the form of a blade) and a cutting blade (2) made of synthetic resin movable toward the receiver body. Further, the cutting blade (2) has an edge surface (i.e. the edge surface that is facing the bent portion of the spring plate 1) that is substantially perpendicular to side surfaces of the cutting blade (2), and a length of the cutting blade and the receiver body are always substantially parallel as claimed.

However, the Japanese reference is silent about the bending elasticity and the thickness of the cutting blade. Nevertheless, the plastic cutting blade of the Japanese does have a bending elasticity and a thickness. To select a certain thickness range and a bend elasticity range for the cutting blade of the '803 reference such as in the range of

0.06 – 1 mm and in the range of 900 – 20,000 MPa, respectively, would have been obvious to one having ordinary skill in the art, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233 (CCPA 1955).

Remarks

Applicant argues, at page 8 of the amendment, Applicant's cutting blades do not have a taper to sharp point, i.e. the edge angle is substantially 90 degrees. Siden clearly teaches away from using an edge angle of 90 degrees. On the contrary, Siden does show the cutting blade has an edge surface substantially perpendicular to side surfaces of the cutting blade as claimed. Referring to Siden's Figs. 2 and 4, a cutting blade (24/26/34) has an edge surface substantially perpendicular to side surfaces of the cutting blade (24/26/34) as claimed. The edge surface having an edge angle of 90 degrees is received in a recess of a block (20/22/32).

Action Made Final

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for official communications and 571-273-4511 for proposed amendments.

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H Payer

March 7, 2006

H Payer

H Payer
Primary Examiner